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Section-by-section of S.100

An act relating to universal school breakfast and lunch for all public school students and to creating incentives for schools to purchase locally produced foods

Yellow = text deleted by SAC

* * * Title * * *

Sec. 1. TITLE. “**Farm Fresh** School Meals for All.”

* * * Statutory changes; universal school breakfast and lunch;

locally produced foods * * *

Sec. 2. 16 V.S.A. chapter 27, subchapter 2 amendments

Subchapter 2. School Food Programs

§ 1261a. DEFINITIONS. Technical (editorial) changes only.

§ 1262a. AWARD OF GRANTS. Adds subsection (d) which provides for **grant funding for locally produced foods.**

§ 1264. FOOD PROGRAM

(a)(1)(A) Requires school districts to offer food programs in each school, rather than in each school district. Requires school districts to maximize access to federal funds for the cost of the school breakfast and lunch program (for free and reduced priced breakfast and lunch).

(B) Requires universal school meals (breakfast and lunch) in each school.

1 (C) Requires school districts to bear the costs of providing universal
2 school meals to extent not reimbursed through federal or State funding.

3 (3) Requires school districts to achieve the highest level of student
4 participation, which may include any or all of the following:

5 (A) providing breakfast meals that can be picked up by students;

6 (B) making breakfast available to students in classrooms after the
7 start of the school day; and

8 (C) collaborating with the school’s wellness community advisory
9 council.

10 (4) Requires school districts to request the parent or guardian of each
11 student to complete the Household Income Form provided by the Agency of
12 Education, which is used to determine a family’s economic status to determine
13 eligibility for various State and federal programs. Does not apply if the school
14 district obtains equivalent information through another means.

15 * * *

16 (d) Repeals language that is moved into new § 1264a. Locally Produced
17 Foods.

18 (e) Repeals language that is moved into new § 1264a. Locally Produced
19 Foods.

20 § 1264a. LOCALLY PRODUCED FOODS (new section)

1 (a) Language moved from § 1264(d), that also amends the goal of having
2 school districts buy at least 20% local from 2022 to 2023.

3 (b) Language moved from § 1264(e).

4 (c)(1) Creates an initial grant program, beginning with the 2021–22 school
5 year and thereafter, for supervisory unions to be eligible for a local foods
6 incentive grant (grant).

7 (2) A supervisory union may apply for the grant if it has:

8 (A) developed a locally produced foods purchasing plan that
9 describes the supervisory union’s goals for purchasing locally produced foods
10 and its plan to achieve those goals;

11 (B) designated an individual as the food coordinator for locally
12 produced foods who shall be responsible for implementing the locally
13 produced foods purchasing plan;

14 (C) developed a process for tracking the purchase of locally produced
15 foods; and

16 (D) complied with the reporting requirement under subsection (b) of
17 this section.

18 (3) Describes process for applying for the grant

19 (4) If the conditions in (2) above are satisfied, the initial grant program
20 provides grant funding equal to 15 cents per reimbursable school lunch served
21 by the supervisory union in the prior school year through the National School

1 Lunch Program. A supervisory union may apply for this grant and receive this
2 grant funding only once.

3 (5)(A) Creates a second grant program that is available to supervisory
4 unions that have received grant funding under the initial grant program. This
5 grant funding is available to a supervisory union that demonstrates that at least
6 15 percent of the cost of all foods purchased or grown, raised, or produced by
7 the supervisory union during the one-year period ending on June 30 of the
8 previous year were local to Vermont as defined in 9 V.S.A. § 2465a(b),
9 excluding:

10 (i) foods purchased or grown, raised, or produced by the
11 supervisory union that were used to provide catering services for which the
12 supervisory union received compensation; and

13 (ii) fluid milk.

14 (B) Requires a supervisory union that grows, raises, or produces
15 food, to assign a fair market value to that food for the purpose of reporting its
16 cost.

17 (C) Requires a vendor that contracts with a supervisory union to
18 supply food products to certify to the supervisory union which of the food
19 products supplied meet the definition of local to Vermont.

20 (6) The grant amount equals:

1 (A) 15 cents per reimbursable school lunch served in the prior school
2 year through the National School Lunch Program for supervisory unions
3 purchasing at least 15 percent locally produced foods;

4 (B) 20 cents per reimbursable school lunch served in the prior school
5 year through the National School Lunch Program for supervisory unions
6 purchasing at least 20 percent locally produced foods; or

7 (C) 25 cents per reimbursable school lunch served in the prior school
8 year through the National School Lunch Program for supervisory unions
9 purchasing at least 25 percent locally produced foods.

10 (7) This grant funding is available annually. For the 2020–2021 school
11 year, meals served through the Summer Food Service Program count for this
12 grant payment.

13 (8) Permits AOE to perform audits and true up grant funding.

14 (d)(1) Requires AOE to annually submit to the Senate Committees on
15 Agriculture and on Education and the House Committees on Agriculture and
16 Forestry and on Education in an aggregated form:

17 (A) the information received from supervisory unions regarding the
18 percentage of locally produced foods, as the supervisory unions define them;
19 and

1 (B) the percentage of locally produced foods, using the State
2 definition of locally produced foods, reported by supervisory unions and the
3 amount of grant funding paid to supervisory unions in the prior school year.

4 (2) Notwithstands 2 V.S.A. § 20(d) regarding expiration of required
5 reports.

6 § 1265. Repeals ability for supervisory unions to receive a one-year waiver
7 from providing food programs.

8 **Sec. 3.** Amends 16 V.S.A. § 4001 to exempt costs incurred by a school district
9 or supervisory union to provide school breakfast and lunch from the excess
10 spending penalty.

11 * * * Federal funds; data collection * * *

12 **Sec. 4.** Adds 16 V.S.A. § 45 to require the Secretary of Education to develop
13 information requirements to identify families eligible for federal benefits and
14 require school districts to collect this information, given that with universal
15 school meals families will no longer need to apply for free and reduced-priced
16 meals.

17 * * * Session law; universal school breakfast and lunch * * *

18 **Sec. 5. SCHOOL MEALS CONSUMED DURING CLASS**

19 Requires a school district to count time spent by students consuming school
20 meals during class as instructional time.

1 **Sec. 6. TRANSITION**

2 (a) Provides for a 5 year transition for school districts to offer universal
3 school meals.

4 (b)(1) Appropriates \$1,000,000.00 from the Education Fund for fiscal year
5 2022 for the Farm-to-School Program to award grants to school districts that
6 are transitioning to universal school meals.

7 (2) Requires reporting on the use of these funds.

8 **Sec. 7. AGENCY OF EDUCATION; STAFFING**

9 Creates a new AOE position specializing in the administration of school
10 food programs with a fiscal year 2022 General Fund appropriation of
11 \$100,000.00 for salary, benefits, and operating expenses.

12 * * * Session law; locally produced foods * * *

13 **Sec. 8. ADMINISTRATIVE SUPPORT**

14 Requires AOE to collaborate with the Agency of Agriculture, Food and
15 Markets to promote the local foods program.

16 **Sec. 9. APPROPRIATIONS FOR FOOD PROGRAMS**

17 (a) Appropriates \$500,000.00 in fiscal year 2022 from the General Fund for
18 the local foods incentive grants.

19 (b) Appropriates \$500,000.00 in fiscal year 2022 from the General Fund
20 for the annual base appropriation for the Farm-to-School and Early Childhood
21 Grant Program.

1 **Sec. 10. AGENCY OF EDUCATION; ANNUAL BUDGET REQUEST**

2 Requires AOE, in its annual budget request to the General Assembly, to

3 include the amount of \$500,000.00 for local foods incentive grants.

4 * * * Effective date * * *

5 **Sec. 11. EFFECTIVE DATE.** July 1, 2022.